

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

VIR2US, INC.	)	
	)	
Plaintiff and Counterclaim Defendant,	)	C.A. No. 2:15-cv-162-HCM-LRL
	)	
v.	)	
	)	
INVINCEA, INC., and	)	
INVINCEA LABS, LLC	)	
	)	
Defendants and Counterclaim Plaintiffs.	)	

**JOINT IDENTIFICATION OF PATENT CLAIMS AND  
DISPUTED CLAIM TERMS FOR THE MARKMAN HEARING**

As requested by the Court during the December 15, 2015, telephonic conference (Dkt. 46), the parties hereby identify the patent claims and disputed claim terms for the *Markman* hearing.

**Terms for Construction**

Vir2us believes the following claim terms should be construed by the Court:

1. “virtual browsing environment” (‘422 patent claims 1-6, 9-10, 20)
2. “an indication of an operation of the at least one operating system” (‘422 patent claims 1, 20)
3. “potential malicious activity” (‘422 patent claims 1, 2, 20)
4. “collection computer” (‘422 patent claim 1)

Invincea believes the following claim terms should be construed by the Court:

1. “dynamically configurable” (‘541 patent claim 10)
2. “processing logic device/microprocessor” (‘541 patent claims 1-3, 7-13, 15-16)

3. “switching system for selectably and independently coupling and decoupling the processing logic device with the first storage and/or the second storage under automated control” (‘541 patent claims 1-2, 8)
4. “data store switch” (‘598 patent claim 62)
5. “couple”/“decouple” and variants (‘541 patent claims 1-2, 8, 11-12, 16; ‘598 patent claims 62, 66)
6. “storage”/“data store”/“data storage” (‘541 patent claims 1-2, 6, 8, 10-13, 16; ‘598 patent claim 66)
7. “collection computer” (‘422 patent claim 1) **[also identified by Vir2us]**
8. “website address” (‘422 patent claims 1, 20)

### **Other Issues**

In addition, Invincea contends that the Court will need to address the following issues, either during the *Markman* hearing or later during invalidity. Invincea contends the terms are indefinite and the jury will not be able to apply them. Vir2us believes that any indefiniteness issues should be addressed during the *Markman* hearing. However, Vir2us believes that these claim terms identified by Invincea below are not indefinite and that Invincea has not adequately described the basis for why the terms are indefinite nor has it followed the proper procedure in disclosing such indefiniteness contentions.

1. Phrases Invincea contends are not susceptible to construction because they are unintelligible:
  - “may not be coupled or only restrictively coupled to communicate” (‘541 patent claim 1)
  - “and automatically erased after each processing has occurred independent if the processing completed with error condition or without error condition” (‘541 patent claim 11)
  - “if said correct health then said data store switch remains is not altered” (‘598 patent claim 62)

2. Terms of degree for which Invincea contends no boundaries are provided by the specification. *Datamize, LLC v. Plumtree Software, Inc.*, 417 F.3d 1342, 1351 (Fed. Cir. 2005).
- untrusted content ('541 patent claims 1, 12)
  - correct health ('598 patent claim 62)
  - corruption health ('598 patent claim 62)

***Markman Schedule***

Unless requested by the Court, the parties believe these issues can be addressed within the current pages limits and deadlines.

Dated: December 18, 2015

Respectfully submitted,

/s/ Stephen E. Noona

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 18, 2015, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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